

Entered - 02/14/00 - sb
CL00L0070 - DIANNE C. MITCHELL

00-*R*-1742

CLAIM OF: **JANICE LEMONS,**
through her attorney,
Donald C. Beskin
729 Piedmont Avenue, NE
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of personal injuries
due to an explosion on November 11, 1999 at Nolans Elementary School.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

DVERSE REPORT

ADVERSED BY
CITY COUNCIL NOV 06 2000

Public Safety

10/31/00

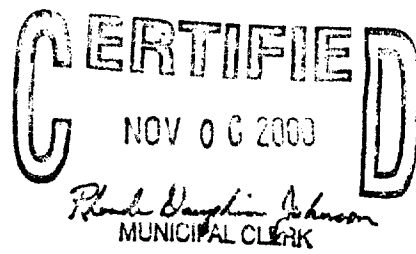
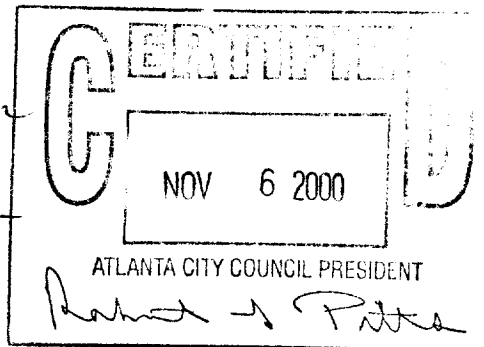
V-C Clara Henderson

Doug Alford

Michael B...

James

Henry Dancy





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 15, 2000

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Donald C. Beskin
Attorney at Law
729 Piedmont Ave., NE
Atlanta, GA

00-R-1742

RE: Janice Lemons

Dear Attorney Beskin:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0070

Date: October 17, 2000

Claimant /Victim JANICE LEMONS
BY: (Atty) Donald C. Beskin
Address: 729 Piedmont Avenue, NE, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,000.00
Date of Notice: 02/09/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/11/99 Place: Nolans Elementary School
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when a toilet exploded while cleaning toilets in a restroom at Nolans Elementary School. The claimant further alleges that the explosion was caused due to work performed by United Water Services Atlanta. The claim was forwarded to United Water Services Atlanta for handling and they have denied liability.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Dianne C. Mitchell Concur/date 10-17-00
Committee Action: Council Action

NADLER, BESKIN & SCOTT
ATTORNEYS AT LAW

Mitchell
02/11/00
DM

GARY M. NADLER
DONALD C. BESKIN
W. STEED SCOTT

February 7, 2000

729 PIEDMONT AVENUE, N.E.
ATLANTA, GEORGIA 30308
(404) 872-4111
TELECOPIER: (404) 872-5340

Office of City Attorney
Law Department
City Hall Tower, Suite 4100
68 Mitchell Street
Atlanta, GA 30335

ENTERED - 2-14-00 - SB
00L0070 - DIANNE MITCHELL

Re: Liability Claim for Injuries Sustained
Due to Possible Negligence by the
City of Atlanta Water Department

My Client: Janice Lemons
Place of Accident: Love T. Nolans Elementary School,
College Park, Georgia
Date of Accident: 11/11/99

Dear Sir/Madam:

I am writing to request your consideration of my client's
bodily injury claim against the City of Atlanta Water Department.

On November 11, 1999, Ms. Lemons sustained severe
injuries to her leg when she was cleaning the toilets in a restroom
at Nolans Elementary School. She flushed the toilet and it
exploded, injuring her. Apparently, witnesses from Varsity
Contractors, Inc., Ms. Lemons's employer, state that the Atlanta
Water Department was working near the school. The explosion
occurred possibly because the Water Department failed to clear out
the lines involved in the work they were doing. It is a miracle
that children were not injured in this incident.

Ms. Lemons was given emergency treatment at Southern
Regional Medical Center after the accident. She has continued to
treat with the Hughston Clinic and Physiotherapy Associates. She
has not completed her treatment, but her medical bills to date
total over \$3,000.00.

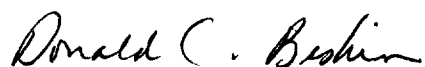
I would appreciate your advising me as to how Ms. Lemons
may seek redress for an accident probably caused by the City of
Atlanta Water Department which has caused her serious injury and
weeks of wage loss.

Office of City Attorney
February 7, 2000
Page Two

Please present this matter to the City Council at its next meeting, if that is still the procedure. I would appreciate a response advising me that this matter is under consideration in the Office of the City Attorney.

Very truly yours,

NADLER, BESKIN & SCOTT



Donald C. Beskin

DCB/jb
Encl.

00-*R*-1742
225

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773